

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES of AMERICA) CRIMINAL FILE
) NO. 17-MJ-499 (HB)
)
) Courtroom 9 East
) Thursday, June 15, 2017
TODD SEAVER KNUTSON) Minneapolis, Minnesota
) 9:36 a.m.

AUDIO DISC TRANSCRIPTION OF:

CONTINUED PRELIMINARY / DETENTION HEARING

BEFORE THE HONORABLE DAVID T. SCHULTZ
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For the Government: **OFFICE OF THE U.S. ATTORNEY**
 By: ANDREW S. DUNNE
 Assistant U.S. Attorney
 600 United States Courthouse
 300 South Fourth Street
 Minneapolis, Minnesota 55415

For the Defendant: **JOHN C. BRINK, LAWYER**
 By: JOHN C. BRINK, ESQUIRE
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1005 United States Courthouse
300 South Fourth Street
Minneapolis, Minnesota 55415
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1 (9:36 a.m.)

2 P R O C E E D I N G S

3 I N O P E N C O U R T

4 (Defendant present)

5 THE COURT: All right. We are here on the matter
6 of United States vs. Todd Seaver Knutson, Case Number
7 17-MJ-499.

8 Mr. Dunne, note your appearance for the record,
9 please.

10 MR. DUNNE: Andrew Dunne, D-U-N-N-E, on behalf of
11 the United States. Good morning, Your Honor.

12 THE COURT: Good morning, Mr. Dunne.

13 Mr. Brink?

14 MR. BRINK: Good morning, Your Honor. John Brink
15 for Mr. Knutson, who's present.

16 THE COURT: Good morning, Mr. Brink. Good
17 morning, Mr. Knutson.

18 THE DEFENDANT: Good morning.

19 THE COURT: Before we begin, let me just inquire.

20 Mr. Brink, I assume that you've had an adequate
21 opportunity to meet with your client between Monday, I
22 believe it was, and today.

23 MR. BRINK: I have, Your Honor. There's just one
24 issue I'd like to bring to your attention.

25 THE COURT: Okay.

1 MR. BRINK: And that is -- let's see. Today is
2 Thursday, Wednesday -- Tuesday, Mr. Knutson tried to call me
3 and they said you can't have a call until you get your hour
4 out of the cell, which since he's been up there has been
5 either 6 o'clock in the afternoon or 7 o'clock in the
6 evening, and of course my office is usually closed after 5.
7 So it's just one more -- you know, no matter what you think
8 of, they think faster, so it's hard to stay ahead of them.

9 THE COURT: Certainly I can understand that it
10 might be an inconvenience. I'm not so sure there's much, if
11 anything, I can do about it, but I want to make sure that
12 you've had an opportunity to --

13 MR. BRINK: Yeah, we've met --

14 THE COURT: Okay.

15 MR. BRINK: -- up at the jail two, three times.

16 THE COURT: Okay. Thank you.

17 I believe we are here on a preliminary and a
18 detention hearing, correct, Mr. Dunne?

19 MR. DUNNE: Your Honor, the Government would call
20 Matt Parker.

21 THE COURT: Okay.

22 **MATT PARKER, GOVERNMENT'S WITNESS, SWORN**

23 THE COURT: Make sure you state your full name and
24 spell it for the record.

25 THE WITNESS: Matthew Parker, M-A-T-T-H-E-W,

1 P-A-R-K-E-R.

2 **DIRECT EXAMINATION**

3 BY MR. DUNNE:

4 Q. Special Agent Parker, how are you currently employed?

5 A. I work for the FBI as a Special Agent.

6 Q. How long have you been a Special Agent for the FBI?

7 A. About 18 years.

8 Q. Are you familiar with the facts of this particular
9 investigation leading up to the criminal complaint against
10 Todd Seaver Knutson?

11 A. Yes.

12 Q. In fact, are you the affiant on that complaint?

13 A. I am.

14 Q. It's my understanding that this investigation involved a
15 search warrant issued by a state court for 890 Arkwright in
16 St. Paul?

17 A. That's correct.

18 Q. When was that search warrant executed?

19 A. June 6th.

20 Q. Prior to the execution of that warrant, was there an
21 operational plan formulated by law-enforcement concerning
22 the manner in which the search warrant would be executed?

23 A. Yes.

24 Q. All right. Were you part of that operational plan?

25 A. Yes.

1 Q. What was the operational plan?

2 A. We wanted to have Mr. Knutson out of the house when we
3 did the entry, so our plan was to set up surveillance at the
4 house and watch and wait for him to leave, arrest him so
5 that he would be in custody when we made entry, which would
6 make it safer for law-enforcement.

7 Q. Why did law-enforcement formulate that operational plan
8 concerning the execution of the search warrant at 890
9 Arkwright?

10 A. Two reasons. First, in any situation, it's better to
11 have the person come out of the house so that they can't
12 create a barricade or hostage situation.

13 In addition, in this case we had information that
14 Mr. Knutson was dealing in methamphetamines, possibly using
15 methamphetamine, had guns, and could possibly use those
16 against law-enforcement, so we felt it appropriate to wait
17 on him to come out before we made entry.

18 Q. In addition to the search warrant itself on June 6th,
19 2017, when officers were conducting surveillance at 890
20 Arkwright, prior to the execution of the search warrant, was
21 there any other legal process that law-enforcement had in
22 connection with Todd Seaver Knutson?

23 A. Yes, the Family Violence Unit at St. Paul Police had
24 issued a felony pickup for Mr. Knutson based on a felony
25 domestic abuse case.

1 Q. Now, I'm not -- what is a felony domestic pickup?

2 A. It's essentially a probable cause arrest authorized by a
3 sergeant in the St. Paul Police.

4 Q. Did officers set up surveillance at 890 Arkwright on
5 June 6th?

6 A. Correct.

7 Q. Do you recall what time of day it was?

8 A. May have started around 10 or 11 a.m.

9 Q. Okay. And what observations were made by the officers
10 conducting that surveillance?

11 A. At approximately -- well, shortly after 2 p.m., officers
12 saw Mr. Knutson leave the house, come out of the door, get
13 onto a motorcycle. He was with another gentleman who was on
14 a motorcycle and they road north on Arkwright towards an SA
15 gas station at Arkwright and Maryland.

16 Q. Okay. How far was -- I'm sorry. Did they stop at the
17 SuperAmerica?

18 A. They did.

19 Q. Okay. How far is that SuperAmerica located in relation
20 to the address at 890 Arkwright?

21 A. Maybe half a mile.

22 Q. Okay. What happened once Mr. Knutson and this other
23 individual arrived at the SuperAmerica?

24 A. Law-enforcement set up at the SuperAmerica. Mr. Knutson
25 and the other man went inside the SuperAmerica. They had

1 parked their motorcycles out front. When Mr. Knutson and
2 the other man came out of the SuperAmerica, the officers
3 moved towards him to arrest him. When Mr. Knutson saw
4 law-enforcement, he fled on foot going all the way around
5 the SuperAmerica, back out onto Maryland Avenue, and he was
6 apprehended in the middle of Maryland Avenue.

7 Q. Okay. It's my understanding that officers following the
8 arrest of Mr. Knutson went back to the SuperAmerica the next
9 day.

10 A. Correct.

11 Q. Why was that?

12 A. We wanted to review the video to see if he had thrown
13 anything or discarded anything along the way. We had done a
14 search immediately after the arrest and found some cash that
15 he had dropped. We wanted to see if there was anything.

16 Q. And were officers able to watch the surveillance video
17 from the SuperAmerica station regarding that incident?

18 A. Yes.

19 Q. And what did officers observe?

20 A. As he rounded the southwest corner of the building and
21 then headed back northbound, his arm -- it appears that he's
22 throwing something up in the air with his arm in the
23 direction -- if he were moving his arm in that direction, it
24 would have been in the direction of the store and upward.

25 Q. Okay. Following the -- following watching that video,

1 did officers search the roof of the SuperAmerica?

2 A. They did.

3 Q. And were any objects recovered?

4 A. They found a .25 caliber handgun.

5 Q. Serial number on that handgun?

6 A. Obliterated.

7 Q. All right. Now let's go back to the search warrant.

8 So it's my understanding that on June 6, after
9 Mr. Knutson was arrested at the SuperAmerica, was the search
10 warrant executed at 890 Arkwright?

11 A. That's correct.

12 Q. Briefly, can you describe for us the physical layout of
13 that house.

14 A. It's a single-family home. It had two detached garages.
15 It had a main level with, you know, kitchen and living
16 areas, and then upstairs there were three bedrooms. One
17 bedroom had a bed, one bedroom had a futon folded up to the
18 couch, and the last one had no bed or futon.

19 Q. Okay. Upon entry into the house, what's the first room
20 that an entrant would be in?

21 A. The front door was barricaded, so I believe the tactical
22 folks went in either the side or the back door and they
23 would have been entering a living area.

24 Q. Okay. When you say the door was barricaded, what do you
25 mean?

1 A. There was a bunch -- there was a bunch of stuff piled up
2 against the door and then around the house we found door
3 jams. They're metal pieces that you prop against the
4 door -- they're commercially available -- in order to
5 prevent somebody from entering.

6 Q. Okay. So upon entry, were there any individuals in the
7 living room area that were encountered by law-enforcement?

8 A. There were three people on the property. I don't know
9 if they were all inside. I believe there was a female who
10 may have been in the driveway, but the tactical folks who
11 went in first encountered three people when they got in.

12 Q. And were those three people interviewed by
13 law-enforcement?

14 A. Yes.

15 Q. Did those three people make any statements to
16 law-enforcement regarding Mr. Knutson?

17 A. The two men both stated that Mr. Knutson -- that it was
18 his house. One of them said that they had within the week,
19 I believe, purchased methamphetamine from him. The female
20 that was there declined to give a statement and asked to
21 speak with an attorney.

22 Q. Okay. It is my understanding from reading your
23 affidavit -- and particularly paragraph 8 of your
24 affidavit -- that six firearms were recovered during the
25 execution of the search warrant?

1 A. That would be six in addition to the one from the roof
2 of the SA, yeah, so seven in total.

3 Q. Six pursuant to the search warrant.

4 A. Correct.

5 Q. What I'd like to do is list the guns as they are listed
6 in your affidavit and if you can tell us where they were
7 located inside the house.

8 First there is an FN nine-millimeter handgun.
9 Where was that recovered?

10 A. Yes. That's a semiautomatic pistol that was found on a
11 shelf behind glass in the living area downstairs.

12 Q. Okay. There were two Ruger Vaquero, V-A-Q-U-E-R-O, .45
13 caliber handguns. Where were those recovered?

14 A. Those were found in a -- on a closet shelf in I believe
15 the southeast bedroom. Those are, like, kind of
16 pearl-handled pistols like you'd see in an old western.

17 Q. There is listed in your affidavit a MAK-90 7.62 assault
18 rifle. Where was that recovered?

19 A. That would have been in the northwest bedroom, and
20 that's -- did you say the MAK-90?

21 Q. That's what I asked, yes.

22 A. Yeah. The MAK-90 is kind of a ripoff, I'm told, of an
23 AK-47 assault rifle.

24 Q. Okay. You have listed a Master Piece Arms MAC-10, .45
25 caliber handgun?

1 A. Yes. That's a .45 caliber handgun that -- I can't tell
2 you it was done in this case, but it's frequently converted
3 to full auto to be a machine pistol. But just looking at
4 it, it would be a handgun with very large capacity.

5 Q. Okay. Where was that located?

6 A. That was located in the northwest bedroom.

7 Q. Okay. And then the last of the six firearms listed in
8 your affidavit is a Marlin .22 caliber rifle. Where was
9 that recovered?

10 A. That was also in that northwest bedroom.

11 Q. Okay. Were officers able to conduct any investigation
12 concerning those seven hand -- or those seven firearms that
13 we talked about concerning whether or not they were stolen?

14 A. Four of the handguns came back as stolen when we checked
15 them in NCIC.

16 Q. Okay. All right. Now what I want to do, if I can, is
17 go back to the rooms where you found those firearms to ask
18 you were any other items recovered from those rooms in
19 addition to the guns.

20 So the first thing you talked about was a
21 nine-millimeter handgun that was taken from the living room
22 area?

23 A. Correct.

24 Q. Were there any other items of evidence that were
25 recovered from that area by law-enforcement that you can

1 recall?

2 A. I believe there may have been some small amounts of meth
3 found. In addition, there was an ammo can with a large
4 amount of ammunition.

5 Q. Okay. How about a scale?

6 A. There was also a scale which could be used for weighing
7 drugs.

8 Q. All right. And when we talk about a scale, we're not
9 talking about a scale you step on to weigh yourself. It's
10 to weigh drugs.

11 A. Correct.

12 Q. You mentioned that the MAC-10, the MAK-90 and the .22
13 caliber rifle were recovered from what you describe as the
14 northwest bedroom. Is that one of the bedrooms that had a
15 bed in it?

16 A. That was the only room that had a bed in it.

17 Q. Okay. Any other items recovered from that room of
18 evidentiary value that you can recall?

19 A. There were mailings in Mr. Knutson's name. There was a
20 bulletproof vest leaning up against the three guns. There
21 was marijuana, I think 20 grams, and there was about \$2200
22 in cash.

23 Q. Okay. I specifically want to ask you whether or not
24 there were any magazines for firearms recovered from that
25 room.

1 A. Yes, the magazines for the MAK-90 assault rifle, there
2 were two of them taped together so that you could quickly
3 when you emptied one move to the next, and it was the same
4 for the MAC-10. Two of the magazines were taped together so
5 that once you emptied one you could move to the next
6 quickly.

7 Q. And in those magazines, was there ammunition loaded into
8 the magazines?

9 A. Yes.

10 Q. All right. You mentioned that there were two Ruger
11 Vaqueros, these pearl-handled revolvers that you were
12 talking about, from the southeast bedroom?

13 A. Correct.

14 Q. Is that the bedroom with the futon?

15 A. Yes.

16 Q. And were any other items of evidentiary value recovered
17 by law-enforcement that you can recall from that bedroom?

18 A. I believe there were mailings in Mr. Knutson's name.
19 There was also a backpack in the same closet with the two
20 pistols that contained somewhere around three pounds or 1400
21 grams of a substance that tested positive for
22 methamphetamine.

23 Q. Okay. Was there another backpack that was recovered
24 from that room?

25 A. Yes, and I believe that was full of shotgun ammunition.

1 Q. Okay. Do you recall where the backpack that contained
2 the methamphetamine, where in the room was that recovered?

3 A. In the same closet with the pistols.

4 Q. Same with the backpack of shotgun ammo?

5 A. I'm not sure where that was. It probably was in the
6 closet, but I couldn't say for certain.

7 Q. Okay. Just a couple more. The seven firearms that
8 we've been talking following the execution of the search
9 warrant and the recovery of those firearms, did you reach
10 out to the Bureau of Alcohol, Tobacco & Firearms to inquire
11 about any interstate nexus regarding each of those firearms?

12 A. Yes, I talked to a Special Agent who is a gun expert,
13 and he told me that none of those guns were manufactured in
14 Minnesota and they all must have at some point traveled in
15 interstate commerce.

16 Q. You list in your affidavit -- I believe it's paragraph
17 5 -- that Mr. Knutson has ten felony convictions in the
18 state of Minnesota, and then you list narcotics, fleeing,
19 assault, burglary, and terroristic threats.

20 Because of those felony convictions in Minnesota,
21 was Mr. Knutson prohibited from possessing any firearms
22 under federal law?

23 A. Yes, he was.

24 Q. Okay. I want to talk about two incidents and then I'm
25 through.

1 It's my understanding that either the day of
2 Mr. Knutson's arrest or the following day, that St. Paul
3 police officers went to him to collect a DNA sample.

4 A. Correct. They obtained a warrant to take his DNA by way
5 of a buccal swab.

6 Q. Okay. Can you just explain for us how that's done.

7 A. You would go in, explain to Mr. Knutson what the plan
8 is. You have Q-tips. You essentially scrape the inside of
9 the cheek with a Q-tip, do it twice, and then we package
10 those and send them to a lab.

11 Q. That was done in this case?

12 A. It was.

13 Q. Where was that?

14 A. That would be at the Ramsey County LEC.

15 Q. And Mr. Knutson had at least complied with taking those
16 buccal swabs.

17 A. Eventually.

18 Q. It's my understanding that after taking the buccal
19 swabs, an incident occurred.

20 A. Well, there was an incident when the officers went to
21 take the buccal swabs. He became agitated. He kicked a
22 table or a door, clenched his fists and essentially
23 challenged the officers to a physical confrontation.

24 Q. No physical confrontation ensued.

25 A. Correct.

1 Q. All right. It's also my understanding from reading the
2 amended Pretrial Services Report that following
3 Mr. Knutson's arrest and appearance in federal court, there
4 was an incident in the Sherburne County Jail.

5 A. Yeah. I think there may have been two.

6 Q. Okay. And you reviewed the amended report prepared by
7 Pretrial Services.

8 A. Correct.

9 Q. And you know -- do you know from speaking with folks at
10 the Sherburne County Jail whether something additional
11 appeared than what was reported in the Pretrial Services
12 Report?

13 A. I received information regarding an incident that
14 happened I believe the next morning following the incident
15 that's described in the pretrial report.

16 Q. Why don't you tell us what happened.

17 A. The first one or the second one?

18 Q. The one that's not reported in the Pretrial Services
19 Report.

20 A. My understanding is that Mr. Knutson was in his cell.
21 He had broken apart something that was plastic. I don't
22 know if it was a bin or something, but he had the pieces of
23 it. They thought that that was a threat, that he could use
24 those pieces of plastic, and they decided that he needed to
25 be extracted from the cell so they could take those things

1 away from him and put him in a different cell.

2 So I think what they do is, they have him put his
3 hands behind his back and back up towards the guards so that
4 they can handcuff him and take him out of the cell.

5 Mr. Knutson agreed to be handcuffed, put his hands behind
6 his back, backed up, but when the corrections officers
7 entered the cell, Mr. Knutson turned around and attacked
8 them. A fight ensued. They said they might have used
9 pepper spray, but it's their understanding he had asthma, so
10 instead he had to be Tased, at which point he finally
11 complied, and it's my understanding two corrections officers
12 were injured during the fight.

13 Q. Was the jail, Sherburne County Jail, put on lockdown
14 because of that incident?

15 A. It's my understanding it was put on lockdown.

16 MR. DUNNE: I have nothing further, Your Honor.

17 THE COURT: Thank you, Mr. Dunne.

18 Mr. Brink?

19 MR. BRINK: Thank you, Your Honor.

20 **CROSS-EXAMINATION**

21 BY MR. BRINK:

22 Q. Good morning, Special Agent Parker.

23 A. Good morning.

24 Q. Were you the affiant on the search warrant?

25 A. I was not.

1 Q. Did you prepare any reports with respect to this matter?

2 A. I have prepared reports, yes.

3 MR. BRINK: Your Honor, pursuant to Rule 26.2, I
4 request production of those.

5 MR. DUNNE: Your Honor, we don't have the -- are
6 they written and approved and have been provided to the
7 Government?

8 THE WITNESS: No, I've drafted them. They haven't
9 been approved or put to the file yet.

10 MR. DUNNE: I don't have them.

11 MR. BRINK: Well, Rule 26.2, Your Honor, says I
12 get reports that -- after he's testified -- reports that
13 he's authored or adopted.

14 MR. DUNNE: Your Honor, I don't disagree with what
15 Rule 26.2 says. It's just that the FBI protocol -- it
16 doesn't become an official report until it's signed off on
17 and distributed.

18 THE COURT: All right. Understood. And it's not
19 available yet.

20 MR. DUNNE: I haven't seen it.

21 THE WITNESS: I could give you the sum and
22 substance. It was very brief.

23 THE COURT: Well, I think, Mr. Brink, I understand
24 your position. I don't think they can be produced before
25 they're reports. So to the extent that you have moved to

1 produce them here and now, that motion is denied, but to the
2 extent that you want them when they're available, that
3 motion is granted.

4 MR. DUNNE: Your Honor, I will state for the
5 record, as soon as I -- and I will ask Special Agent
6 Parker -- as soon as they're approved, please provide me
7 with a copy of them and I will provide them to Mr. Brink.

8 THE WITNESS: Yes, sir.

9 MR. BRINK: I would like permission, Your Honor,
10 if there's anything germane in those reports, I would like
11 permission to come back and address it. I don't know that
12 there's going to be anything to talk about, but if there is,
13 I'd like permission to apply for that.

14 MR. DUNNE: No objection.

15 THE COURT: That's granted as well, Mr. Brink.

16 BY MR. BRINK:

17 Q. Okay. Special Agent, tell me this: What is
18 Mr. Knutson's connection to this house at 890 Arkwright?

19 A. He lives there.

20 Q. How do you know that?

21 A. His mother told us that, the three people who were at
22 the house told us that. On his phone there are pictures of
23 him standing in the bedroom wearing the bulletproof vest
24 that we found at the house. A confidential informant told
25 us that, a cooperating defendant told us that. We saw him

1 coming out of the house. That and I'm sure there's others.

2 Q. Who's the confidential informant?

3 MR. DUNNE: Objection, Your Honor.

4 THE COURT: Sustained.

5 Q. Who's the cooperating defendant?

6 MR. DUNNE: Objection, Your Honor.

7 THE COURT: Sustained.

8 Q. Now, before -- now, you learned some of this stuff,
9 obviously, talking to the three people who were present
10 after the search warrant was obtained. What was your
11 information before you obtained the search warrant? What
12 was your information as to who said Mr. Knutson lived there,
13 before you applied for the warrant?

14 A. I'm not -- I don't follow the question.

15 Q. Okay. You've told us that his mother said he lived
16 there, the three people who were present said he lived
17 there, and an informant and a cooperating defendant said he
18 lived there. What I want to know is, before you applied for
19 the warrant, who said he lived there?

20 A. The cooperating defendant, the informant.

21 Q. How long had he lived there?

22 A. I don't know.

23 Q. You had this house under surveillance on June 6th?

24 A. Yes.

25 Q. How many of you gentlemen were -- or ladies and

1 gentlemen were surveilling it?

2 A. I don't know for certain. Maybe ten.

3 Q. So you had two or three carloads.

4 A. I don't know how many cars we were in.

5 Q. And you were watching it because you were going to
6 execute this search warrant.

7 A. Correct.

8 Q. And you wanted him out of there for safety purposes.

9 A. Correct.

10 Q. Who was the companion that he left with?

11 A. I don't know.

12 Q. Had you had contact with that person previously?

13 A. No.

14 Q. So you followed him to the SuperAmerica.

15 A. Correct.

16 Q. All right. And arrested him.

17 A. Correct.

18 Q. What did you arrest him for?

19 A. It was a felony pickup out of the Family Violence Unit,
20 and then he was booked for narcotics and felon in
21 possession.

22 Q. So he was arrested on this probable cause pickup.

23 A. Correct.

24 Q. Now, I'm given to understand that that was a
25 time-limited pick up and it had expired, is that correct, or

1 have I got that wrong?

2 A. I believe you have that wrong. The sergeant in charge
3 of the case had authorized, one of the sergeants from my
4 unit on that, so it had been reauthorized is my
5 understanding.

6 Q. So it had expired once?

7 A. I don't know if it had or not, but it had been
8 authorized by the sergeant very recently.

9 Q. What sergeant is that?

10 A. I don't know his name. He's in the Family Violence
11 Unit.

12 Q. When was it reauthorized?

13 A. I don't know.

14 Q. But you have it on good authority that it had been
15 reauthorized?

16 A. Correct.

17 Q. And you say that was a felony pickup?

18 A. Correct.

19 Q. All right. And when you approached -- when you
20 approached Mr. Knutson, you say he took off?

21 A. Correct.

22 Q. How -- tell us the circumstances. Where was he parked,
23 where were you parked? How did this chase occur?

24 A. He was coming -- I did not see it firsthand. I was
25 behind the SA, so I didn't see when he first took off. My

1 understanding is he came out, started to walk toward his
2 motorcycle. SWAT officers from St. Paul approached him and
3 he ran around the back of the SA all the way around and then
4 back out onto Maryland Avenue.

5 Q. Where he was arrested.

6 A. Correct.

7 Q. Now, this -- you found some cash along the route?

8 A. Yes.

9 Q. How was it packaged or how was it secured?

10 A. I think it was a 20 and a 5, and they were just on the
11 pavement, but you could see in the video that he had dropped
12 them.

13 Q. Was there \$8,000 found someplace?

14 A. No.

15 Q. This is a \$20 bill and a \$5 bill.

16 A. It's my understanding, yes.

17 Q. Okay. Was he searched at the scene?

18 A. I believe so.

19 Q. What did he have on him, anything of significance?

20 A. Other than his cell phone, I don't know what else he had
21 on him.

22 Q. Where were those guns stolen? And I mean
23 geographically. I don't mean name of the victims, but --

24 A. Sure. I believe Apple Valley, Fridley, and then one in
25 Ramsey County. I don't know which town.

1 Q. One of the persons who was at the house was a person
2 named Todd Wybierala?

3 A. May have been. I know there were two males and a
4 female.

5 Q. He's a cousin of Mr. Knutson?

6 A. I believe one of the men did say that they were a
7 cousin.

8 Q. And what was the name of the other man?

9 A. I don't know off the top of my head. May have been
10 James Woller.

11 Q. Spell that for me, please.

12 A. W-O-L-L-E-R. I'm not a hundred percent on that, but
13 that's my recollection.

14 Q. Now, his cousin Mr. Wybierala has a criminal record,
15 does he not?

16 A. I don't know.

17 Q. How about Mr. Woller? Does he have a record?

18 A. I don't know.

19 Q. Did you see a videotape system in the house?

20 A. There was a surveillance system, yes.

21 Q. Did you folks seize the DVR box that held the
22 proceedings of the video system?

23 A. I don't know if it recorded or if it just played real
24 time, but we did seize the system, I believe.

25 Q. Did you see Mr. Wybierala coming into the house the

1 night before on June 5th carrying these backpacks?

2 A. I did not.

3 Q. Have you been told that that was the case?

4 A. No.

5 Q. And this would be the backpack that the drugs were found
6 in, the 1481 grams of methamphetamine?

7 A. I did not see that, no.

8 Q. So you don't know anything about Mr. Wybierala bringing
9 that into that house.

10 A. I don't.

11 Q. There were three guns in the bedroom with the bed.

12 A. Correct.

13 Q. Two in the bedroom with no bed.

14 A. With the futon, correct.

15 Q. And along with those two guns was the backpack with the
16 methamphetamine in it, right?

17 A. Correct.

18 Q. How were those drugs found -- or packaged? I'm sorry.

19 A. I believe they were in plastic bags or baggies.

20 Q. Did you take fingerprints from Mr. Wybierala or DNA
21 swabs from Mr. Wybierala to eliminate him as the possessor
22 of the drugs and the guns?

23 A. We did not.

24 Q. Do you got any plans to?

25 MR. DUNNE: Objection, Your Honor. Calls for

1 speculation.

2 THE COURT: I'll allow the answer.

3 A. I do not. His fingerprints would already be on file.

4 Q. Wybierala's?

5 A. I assume, if he's ever been arrested.

6 Q. I thought we didn't know if he'd been arrested.

7 A. I don't know, but I'm saying if he had been arrested,
8 they would be on file.

9 Q. Now, the mailings that were found in Mr. Knutson's name
10 were addressed to him in Savage, Minnesota, were they not?

11 A. I don't know.

12 Q. When did you speak with his mother?

13 A. I did not. Pretrial Services called to verify the
14 information that he gave that he lived with her, and she
15 said that was not correct. He used it as a mailing address,
16 but that he lived at 890 Arkwright.

17 Q. But this is all *post hoc*, this is after the fact.

18 A. This is Pretrial Services doing their investigation.

19 Q. Yeah. Nobody had spoken to his mother before the raid.

20 A. Correct.

21 Q. As far as you know.

22 A. Correct.

23 Q. And you don't know whether those mailings were addressed
24 to him at a Savage address.

25 A. I don't know.

1 Q. That would be significant, wouldn't it?

2 A. Well, the fact that they were there is significant
3 because his mother he uses it as a mailing address. It
4 would make sense that he would receive them there and then
5 bring them to his home.

6 MR. BRINK: May I have a moment, Your Honor,
7 please?

8 THE COURT: Absolutely.

9 (Pause)

10 BY MR. BRINK:

11 Q. You say that Mr. Knutson lived at that house. Did he
12 have some kind of a possessory interest? Did he own it?
13 Was he renting it? Was he subletting it?

14 A. He was not the lessee.

15 Q. Who was the lessee?

16 A. Give me a second and I'll think of it.

17 Q. Take your time.

18 (Pause)

19 A. First name's Kelly and I'm blanking on the last name,
20 but I do have a -- I do have that information in my file.

21 Q. And Kelly is the person who's renting it or the person
22 who owns it?

23 A. That's the lessee.

24 Q. Thank you.

25 MR. BRINK: Your Honor, those are all the

1 questions that I have.

2 THE COURT: All right. Thank you, Mr. Brink.

3 Mr. Dunne?

4 (No response)

5 THE COURT: All right. Do you care to make --
6 well, you may be excused.

7 Do you care to make argument?

8 MR. DUNNE: On probable cause we stand on the
9 record.

10 THE COURT: Okay. Mr. Brink, do you care to
11 argue?

12 MR. BRINK: We'll submit to probable cause on the
13 record.

14 THE COURT: Okay. The Court will find probable
15 cause for both counts in the complaint, the possession with
16 intent to distribute methamphetamine and felon in
17 possession, based on the evidence we've heard this morning,
18 so I believe there's probable cause for the charges in the
19 complaint, okay?

20 Do you want to move to detention?

21 MR. DUNNE: Yes, Your Honor.

22 THE COURT: All right.

23 MR. BRINK: Your Honor, maybe I can short-circuit
24 this. I discussed this with Mr. Knutson, and at present we
25 do not have information to rebut the Pretrial Services

1 recommendation for detention, so we would be willing to
2 consent to detention for the time being, and I would then
3 rely on Rule 31 -- or the statute, 18 United States Code,
4 Section 3142(b) -- (f) -- 3142(f)(2)(B), which says:

5 "The hearing may be reopened, before or after a
6 determination by a judicial officer, at any time before
7 trial if the judicial officer finds that information exists
8 that was not known to the movant at the time of the hearing
9 and that has a material bearing on the issue whether there
10 are conditions of release that will reasonably assure the
11 appearance of such person as required and the safety of any
12 other person and the community."

13 I would rely on that provision to reopen this
14 hearing. My plan is to develop a plan that you would
15 approve to enlarge him on conditions. What I envision is
16 trying to get him into some kind of a residential treatment
17 program with sufficient safeguards that you would feel
18 comfortable in releasing him. Right now I do not have that
19 information. So if I get it, it's going to be new. And
20 within the constraints of the statutory time frame -- and
21 it's very hard to do that in five days.

22 So I would try to develop a plan, and if I'm able
23 to, I would invoke that provision to reopen this hearing,
24 present that information to you and ask you to enlarge him
25 on conditions.

1 THE COURT: And the plan, the information that you
2 would bring forward, that's separate and apart from the
3 reports that have not been filed that were the subject of
4 the discussion a moment ago under Rule 26.2. This is
5 information related to a potential plan.

6 MR. BRINK: Right, exactly.

7 THE COURT: I see.

8 MR. BRINK: And with that, we would consent to
9 detention for the time being.

10 THE COURT: Mr. Dunne?

11 MR. DUNNE: Well, first of all, Your Honor, I
12 agree that because of the charges in the complaint, the Bail
13 Reform Act creates a presumption that there are no
14 conditions or combination of conditions that can reasonably
15 assure the safety of the community or the defendant's
16 appearance at future court proceedings subject to rebuttal.

17 It is the opinion of the United States that the
18 defendant cannot rebut that presumption. I believe that the
19 Court still must issue an order even if there's a waiver of
20 detention, which is what -- Mr. Brink is talking about a
21 consent. It's a waiver of detention. The Court still has
22 to issue an order of detention based upon risk of flight,
23 danger to the community, and inability to rebut that
24 presumption.

25 I have no objection if Mr. Brink has new evidence

1 that he wants to bring to the attention of the Court
2 somewhere down the road. That is the case in every single
3 case we indict. That can happen.

4 But I do want to urge the Court to understand and
5 Mr. Brink to understand, whether there is a residential
6 treatment plan Mr. Brink can find is amenable to taking
7 Mr. Knutson, it doesn't address the Government's contention
8 that he is a risk of flight and danger to the community,
9 that no condition or combination of conditions will
10 reasonably assure the safety of the community and his
11 appearance in court.

12 So we would continue to argue for detention even
13 after the Court orders it and would like the opportunity to
14 address that issue to the Court if there's new evidence.

15 MR. BRINK: I understand Mr. Dunne's position and
16 I agree that you do have to issue an order.

17 THE COURT: Right. Okay. Thank you. And I agree
18 as well, I do have to issue an order.

19 This is a rebuttable presumption case. The
20 presumption is that there are no conditions that could be
21 imposed short of detention that would reasonably assure
22 Mr. Knutson's appearance for subsequent proceedings or that
23 would reasonably assure the safety of the community. There
24 hasn't been any rebuttal of that presumption here this
25 morning, and even if this were not a rebuttable presumption

1 case, the Court would find based on many factors, but among
2 them Mr. Knutson's multiple felonies, some of which are
3 violent in nature, some of which are currently open, and on
4 the fact that Mr. Knutson has violated many of the previous
5 releases and been revoked on some, and in addition he has
6 displayed, I think, fairly clear propensity to impulsivity
7 and violence. And lastly, there have been, at least
8 according to the Pretrial Services Report, I believe ten
9 separate failures to appear, including failure to appear for
10 trial.

11 So, my point is simply this: Even if this were
12 not a rebuttable presumption case, I would order detention,
13 because I find that there are no conditions that would
14 reasonably assure Mr. Knutson's appearance nor any
15 conditions that would reasonably assure the safety of the
16 community.

17 All that said, Mr. Brink, if you have new evidence
18 such that under 3142 you wish to have a subsequent hearing,
19 obviously it'll be before whatever magistrate, I believe,
20 either has the case or has criminal duty at that time, okay?

21 MR. BRINK: Fine. Thank you, Your Honor.

22 THE COURT: Okay. Anything further for the
23 Government, Mr. Dunne?

24 MR. DUNNE: No, Your Honor.

25 THE COURT: All right. Anything further for the

1 defense, Mr. Brink?

2 MR. BRINK: No, Your Honor.

3 THE COURT: Okay. Thank you all. Court is in
4 recess.

5 THE CLERK: All rise.

6 (Proceedings concluded at 10:21 a.m.)

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10 **C E R T I F I C A T E**

11
12 I, **TIMOTHY J. WILLETTE**, Official Court Reporter
13 for the United States District Court, do hereby
14 certify that the foregoing pages are a true and
15 accurate transcription from an audio digital
16 recording of proceedings taken in the
17 aforementioned matter, to the best of my skill
18 and ability.

19
20 **/s/ Timothy J. Willette**

21
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